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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,734

02/27/2004

Yoichi Sano

B0020/7000

8424

22832

7590

07/10/2006

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EXAMINER

PHASGE, ARUN S

ART UNIT

PAPER NUMBER

1753

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/789,734	Applicant(s) SANO, YOICHI	
	Examiner Arun S. Phasge	Art Unit 1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 6, 7 and 18-19 recite the limitation "the water for electrophoresis" in lines 3-4 of each claim. There is insufficient antecedent basis for this limitation in the claim, since the prior claims are direct to electrolysis not electrophoresis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sano, Japanese patent publication number 2001286868.

The Japanese patent publication discloses the claimed method and apparatus for the production of acidic and alkaline water in a electrolytic cell having an intermediate chamber, anode chamber and cathode chamber, the same types of membranes between the anode and intermediate chamber and cathode and intermediate chamber, with the anode and cathode electrode plates within the

anode and cathode chambers respectively, wherein the electrode chambers are connected by holes to the intermediate chamber as claimed and dividing the feed water supplied to the anode and cathode chamber, conducting electrolysis forming acidic and alkaline water and mixing the acidic water from the anode chamber with water not for electrolysis to obtain desired pH and mixing the alkaline water from the cathode chamber with water not for electrolysis to obtain the desired pH (see pages 3-6 of the machine translation). The reference further discloses the same types of limitations to the electrodes, such as the number of plates, the subdivision of the electrode chambers and the rigid plate as claimed (see pages 6-7).

Accordingly, since the reference discloses each and every limitation, the claims are anticipated.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sano, Japanese patent publication number 2000246249.

The Japanese patent publication discloses the claimed method and apparatus for the production of acidic and alkaline water in a electrolytic cell having an intermediate chamber, anode chamber and cathode chamber, the same types of membranes between the anode and intermediate chamber and cathode and intermediate chamber, with the anode and cathode electrode plates within the

anode and cathode chambers respectively, wherein the electrode chambers are connected by holes to the intermediate chamber as claimed and dividing the feed water supplied to the anode and cathode chamber, conducting electrolysis forming acidic and alkaline water and mixing the acidic water from the anode chamber with water not for electrolysis to obtain desired pH and mixing the alkaline water from the cathode chamber with water not for electrolysis to obtain the desired pH (see pages 6-10 of the machine translation). The reference further discloses the same types of limitations to the electrodes, such as the number of plates, the subdivision of the electrode chambers and the rigid plate as claimed (see page 7).

Consequently, since the reference discloses each and every limitation, the claims are anticipated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Arun Phasge', with a large, stylized 'P'.

Arun S. Phasge
Primary Examiner
Art Unit 1753

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